

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 1:14-CR-01 (WLS)
	:	
CHRISTOPHER WHITMAN, et al.	:	
	:	
_____	:	

THIRD AMENDED FINAL ORDER OF FORFEITURE

COMES NOW, the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, and respectfully submits its Motion for Issuance of a Third Amended Final Order of Forfeiture in the above-entitled case. Through this motion the United States seeks to (1) include \$3,435,885.90, representing rental income generated between May 2014 and April 2019, into the Final Order of Forfeiture, and (2) remove 1728 Lynwood Lane, Albany, GA 31707 from the Final Order of Forfeiture. In the support the Government submits the following:

During the criminal investigation of the above titled case, the Government sought and obtained a Post-Indictment Restraining Order on the properties enumerated in Exhibit A. The order was entered on May 9, 2014 and effectuated the restraint of rental income generated between May 2014 until April 2019. The total amount collected equals \$3,435,885.90. On March 4, 2019, this Court entered a Final Order of Forfeiture (Doc. 443) wherein the properties described in Exhibit A were forfeited, however the Motion seeking the Final Order of Forfeiture and the corresponding Order did not specifically reference the rental payments generated from the properties. Therefore, Pursuant to Rule 36 of the

Federal Rules of Criminal Procedure¹, the Government is seeking this amendment, which will enable the U.S. Marshals to deposit the funds in the Asset Forfeiture Fund where they may be unutilized for restitution to the victims in the criminal case pursuant to a Restoration Request to the Money Laundering and Asset Recovery Section of the Department of Justice.

Additionally, the Government is seeking the removal of 1728 Lynwood Lane, Albany, GA 31707 from the Final Order of Forfeiture as the Government is no longer seeking to forfeit this particular property. On March 4, 2019, this Court entered a Final Order of Forfeiture in the above-entitled case. Included amongst the property subject to the Final Order of Forfeiture was the property located at 1728 Lynwood Lane, Albany, GA 31707. After careful consideration by the United States Attorney's Office and the United States Marshals Service, it was determined that the abovementioned property is not below the 20% Net Equity Threshold, and therefore it will no longer be forfeited to the United States, but instead will be released in accordance with the Department of Justice's *Asset Forfeiture Policy Manual*, Chapter 1, Section I.E.2.

This 2nd day of February 2021.

Respectfully Submitted,

PETER D. LEARY
ACTING UNITED STATES ATTORNEY

/s/ Xavier A. Cunningham
Xavier A. Cunningham
Special Assistant United States Attorney
New York Bar No. 5269477

P.O. Box 8970
Savannah, Georgia 31412

¹ After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from an oversight or omission. (Fed.R.Crm.P. 36.)